

House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Thursday, March 12, 1998

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2883—Government Performance and Results Act Technical Amendments

H.R. 992—Tucker Act Shuffle Relief Act

H.R. 1757—Foreign Affairs Reform and Restructuring Act (Conference Report)

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H.R. 2883—Government Performance and Results Act Technical Amendments

Floor Situation: The House is scheduled to consider H.R. 2883 as its first order of business today. Yesterday, the Rules Committee granted an open rule that provides one hour of general debate equally divided between the chairman and ranking minority member of the Government Reform and Oversight Committee. The rule makes in order a committee amendment in the nature of a substitute as base text and accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2883 amends the 1993 Government Performance and Results Act to identify duplicative agency functions within an agency or shared by several federal agencies. Once these functions have been identified, the bill requires the agencies to coordinate efforts with other federal agencies to make government operations more efficient. Additionally, the bill mandates that agencies document management problems that create a high risk for waste, abuse, or mismanagement within an agency. Measures to resolve such problems must then be developed by the agency. Finally, the bill establishes requirements for a federal agency to assess the reliability of its information and accounting systems and develop plans to improve them.

The bill also mandates that after each federal agency reviews its general operations, management procedures, and methods of accounting and compiling information, it must submit to both the Office of Management and Budget (OMB) and Congress a revised strategic plan which details the process by which the agency can improve its overall performance. This report must be submitted by Sep-

tember 30, 1998, and must be updated every three years. Finally, every March 31 starting in FY 2000, the OMB director must submit to Congress an annual integrated federal government performance report which must include actual results and accomplishments achieved by each agency. CBO estimates that enactment will have no significant effect on the federal budget. The Government Reform and Oversight Committee reported the bill by a vote of 21-12 on March 5, 1998.

Views: The Republican leadership supports passage of the bill. The Clinton Administration opposes the bill.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2883:

Mr. Kucinich may offer an amendment to apply the Results Act to Congress. Currently, this law applies only to executive federal agencies. The sponsor of the amendment argues that congressional committees should also be required to establish clear strategic plans in the same way that federal executive agencies currently do under the Results Act. *Staff Contact: Mark Stephenson, x5-5051*

Mr. Kucinich may offer an amendment to strike the bill's requirement that all federal agencies resubmit their strategic plans to Congress by September 30, 1998. The sponsor of the amendment argues that requiring federal agencies to resubmit their strategic plans in such a short time is too much of a burden. *Staff Contact: Mark Stephenson, x5-5051*

Ms. Maloney and Mr. Ney may offer an amendment to apply the Results Act to employees of the Federal Reserve. However, the amendment exempts operations related to monetary policy. According to the General Accounting Office, approximately 90 percent of Federal Reserve activities are not directly related to monetary policy. *Staff Contact: Mark Stephenson, x5-5051*

- * **Mr. Horn** may offer a secondary amendment (#1) to the Maloney/Ney amendment to express the sense of Congress that the Results Act should apply to employees of the Federal Reserve. *Staff Contact: Jane Cobb, x5-5074*

Additional Information: See *Legislative Digest*, Vol. XXVII, #5, March 6, 1998.

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PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

H.R. 992—Tucker Act Shuffle Relief Act

Floor Situation: The House will complete consideration of H.R. 992 after it completes consideration of H.R. 2883. Yesterday, the House completed general debate and began considering amendments under an open rule. The rule accords priority in recognition to members whose amendments have been pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the

Whole to postpone votes during consideration of the bill, and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 992 provides concurrent jurisdiction to both U.S. district courts and U.S. Courts of Federal Claims to consider and settle lawsuits filed by private landowners who believe that the federal government has wrongfully taken their property. The bill grants the Court of Claims expanded power to provide all remedies for such lawsuits, whether they include seeking financial damages or halting the government's taking action through an injunction. Finally, H.R. 992 repeals section 1500 of Title 28 of the U.S. Code, which relegates Court of Claims' lawsuits to secondary priority to suits filed in federal district court. Currently, property owners from whom land has been taken must choose between suing for monetary damages in the Court of Federal Claims or halting the government's acquisition via an injunction in a federal district court. However, in attempting to file a lawsuit, landowners may be shuffled between both courts, with each claiming that the lawsuit must be filed in the other court first. The provisions of the bill are superseded whenever a property owner sues the federal government for a property taking based on a rule of law dictates that the lawsuit must be heard in specific court other than a federal district court. CBO estimates that enactment of H.R. 992 will have no significant effect on the federal budget. H.R. 992 was introduced by Mr. Smith (TX) et al and was reported by the Judiciary Committee by a vote of 17-13 on October 7, 1997.

Views: The Republican Leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

Amendments: Yesterday, the House began considering, but did not complete debate on, the following amendment to H.R. 992:

- * an amendment (#2) by **Mr. Watt (NC)** to (1) grant sole jurisdiction over all federal takings claims to the U.S. district courts, regardless of the amount of damages sought by the claim; (2) allow the plaintiff to file separate lawsuits in both a federal district court and the Court of Federal Claims, or consolidate all lawsuits in federal district court; and (3) amend section 1500 of Title 28 of the U.S. Code to provide that lawsuits filed in the Court of Federal Claims which arise from the same set of facts as those suits filed in district court must maintain secondary priority to those filed in a district court. Currently, section 1500 requires that lawsuits considered by a district court maintain first priority in being ultimately resolved to those in the Court of Claims so long as they involve the same subject property. The amendment changes the focus from the property that was taken to the facts (*e.g.*, circumstances, laws, etc.) on which the government justifies its decision to acquire the property. **Staff Contact: Tina Hohn, x5-1510**

Additional Information: See *Legislative Digest*, Vol. XXVII, #5, March 6, 1998.

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H.R. 1757—Foreign Affairs Reform and Restructuring Act (Conference Report)

Floor Situation: The House will consider the conference report to H.R. 1757 after it completes consideration of H.R. 992. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. On Wednesday, March 11, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 1757 authorizes a total of \$13 billion for the Department of State and related agencies in FYs 1998-2000. The bill (1) consolidates two out of three international affairs agencies back into the State Department, (2) authorizes assistance to the democratic opposition in Iraq, (3) authorizes the appropriation of \$819 million in UN arrearages, and (4) denies funding to foreign organizations that perform or promote abortions.

The conference report is divided into three major portions which: (1) authorize the consolidation of two foreign affairs agencies, the Arms Control and Disarmament Agency and the U.S. Information Agency, into the State Department; (2) authorizes \$6.1 billion in FY 1998 and \$6.7 billion in FY 1999 for the State Department, the Arms Control and Disarmament Agency, the U.S. Information Agency, and new funding to support the democratic opposition in Iraq, including \$3 million for Justice in Iraq, \$15 million for democratic opposition (including \$5 million for Radio Free Iraq), \$10 million for political training, and \$20 million for humanitarian assistance; and (3) mandate UN reforms and authorize \$100 million in FY 1998, \$475 million in FY 1999, and \$244 million in FY 2000 for arrearage payments to the UN. The conference report to H.R. 1757 was submitted by Mr. Gilman on March 10, 1998. The House passed H.R. 1757 by voice vote on June 11, 1997, and the Senate approved its version by a vote of 90-5 on June 17, 1997.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVII, #5, Pt. II, March 11, 1998, and #15, Pt. II, June 3, 1997.

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Amendment
Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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